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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,313	09/30/2003	Zer Kai Yap	C-550/TEC1296	5336
832	7590	01/07/2008	EXAMINER	
BAKER & DANIELS LLP			BERTHEAUD, PETER JOHN	
111 E. WAYNE STREET			ART UNIT	
SUITE 800			PAPER NUMBER	
FORT WAYNE, IN 46802			3746	
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			01/07/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/675,313

Applicant(s)

YAP ET AL.

Examiner

Peter J. Bertheaud

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 3-18, 20, 21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 3-18, 20, 21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. In view of the Appeal Brief filed on 11/02/2007, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



Devon Kramer

2. In the amendment after Non Final Rejection claims 3-5, 10-12, 17, 23, 24, 27, and 28 have been amended and claims 1, 2, 19, and 22 have been cancelled.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 recites the limitation "latching surface" in line 4. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Bergman 5,584,716.

Bergman discloses a terminal assembly for a hermetic compressor comprising a hermetically sealed housing 12 defining an interior space and including a housing wall with an interior surface and an exterior surface, said housing wall defining an aperture extending through the wall and in communication with said interior space (see Fig. 11); a motor col. 1 line 29-33) and a compressor mechanism 10 operably coupled with said motor disposed within said interior space; a terminal block 200 (Fig. 11) mounted on

said housing covering 12 said aperture and forming a hermetic seal with said housing wall, said terminal block defining an annular groove 206; at least one terminal pin 26 extending through said terminal block and having an end projecting outwardly from said terminal block 200; and a cover 202 having a plurality of radially inwardly projecting tabs (see where numeral 210 is pointing) engageable with said groove 206 to thereby mount said cover 202 to said terminal block 200 with said cover substantially enclosing said outwardly projecting end of said at least one terminal pin 26. Bergman further discloses that the cover includes a plurality of resilient mounting members (see arms of 202 that extend down the side of element 204) and extending therefrom and said tabs (210) are disposed on respective distal ends of said plurality of resilient mounting members; wherein said terminal block includes a guide surface (see outer peripheral surface of 204) disposed between said annular groove 206 and a distal end of said terminal block, said guide surface tapering radially inwardly (toward 206) as said guide surface projects from said latching surface to said distal end; and wherein said guide surface (204) forms a frustroconical shape.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3, 5-12, 17, 18, 20, 21, 23, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman 5,584,716 in view of Shigemi 4,900,238.

Bergman discloses an assembly for use with a hermetic compressor, said assembly comprising: a hermetically sealed housing 12 defining an interior space and including a housing wall with an interior surface and an exterior surface, said housing wall defining an aperture (clearly seen in figure 14) extending through said housing wall and communicating with said interior space clearly seen in figure 14; a motor (col. 1 line 29-33) and a compressor 10 mechanism operably coupled with said motor disposed within said interior space; a terminal block 260 mounted on said housing wall proximate said aperture and forming a hermetic seal with said exterior surface of said housing wall, said hermetic seal encircling said aperture (see col. 2 lines 44-49); at least one terminal pin 122 mounted in said terminal block and extending through said aperture (clearly seen in figure 14); said terminal block includes a mating surface 268 flushly engaged with said exterior surface of said housing wall and encircling said aperture; wherein said at least one terminal pin has an outwardly projecting end (the portion of pin 122 that extend outside of the compressor housing) and said assembly further comprises a cover (262 in Fig. 14, or 202 in Fig. 11) securable to said terminal block wherein said cover defines an enclosure for said outwardly projecting end of said at least one terminal pin when said cover is secured to said terminal block (clearly seen in Fig. 14 and Fig. 11) and wherein said terminal block includes a latching surface (206) securably engageable with said cover; wherein said latching surface is defined by a groove 206 (Fig. 11) formed in said terminal block; wherein said cover includes at least

one resilient mounting member (see where 212 points, 212 actually designates a slit in between multiple resilient members) engageable With said latching surface to secure said cover to said terminal block; wherein said at least one mounting member includes a radially inwardly extending tab (see tab in groove 206) engageable with said latching surface; wherein said terminal block includes a guide surface 204 (integral with 206) disposed between said latching surface and a distal end of said terminal block, said guide surface tapering radially inwardly as said guide surface projects from said latching surface toward said distal end (clearly seen in Fig. 11); wherein said terminal block includes a portion disposed within said aperture (see Figs. 11-16); wherein said terminal block is welded (col. 2 lines 18-19) to said exterior surface of said housing wall; said terminal block defining an annular groove 206; resilient mounting member extending therefrom and said tabs (210) are disposed on the respective distal end of said resilient mounting member (212). However, Bergman does not teach the following claimed limitations taught by Shigemi.

Shigemi teaches a terminal assembly for a hermetic compressor comprising a hermetically sealed housing 20 defining an interior space and including a housing wall with an interior surface and a cylindrical exterior surface (see col. 3, line 68), said housing wall defining an aperture (see bore hole in 20 at the top of Fig. 1) extending through said housing wall and communicating with said interior space; a motor 40 and a compressor mechanism 50, 60 operably coupled with said motor disposed within said interior space; a terminal block 412, 413 mounted on said housing wall proximate said aperture, said terminal block having a concave mating surface 413 flushly engaged with

said cylindrical exterior surface of said housing 20 wall and forming a hermetic seal with said cylindrical exterior surface (the concave surface of 413 is inherent due to the cup shaped casing 20, see this description in col. 3, lines 63-68), said concave mating surface encircling said aperture; and at least one terminal pin 412a mounted in said terminal block. Shigemi further teaches that the terminal block is positioned over said aperture, wherein substantially no portion of said terminal block extends into said aperture or engages the sidewall forming said aperture, said terminal block welded to said exterior surface of said housing at a location spaced radially outwardly of said aperture.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the terminal block assembly taught by Bergman to be completely exterior of the compressor housing as taught by Shigemi in order to ease the process of connecting the terminal to the housing, thus decreasing maintenance time. The method of assembly claims are rejected because the apparatus claim limitations, being rejected by the applied prior art, so do obviously the method of assembling steps, because the method of assembly simply provides the apparatus cited above.

9. Claims 4 and 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bergman 5,584,716 in view of Shigemi 4,900,238, and in further view of Paterek 5,227,587.

Bergman in view of Shigemi discloses the invention as discussed above. However, Bergman in view of Shigemi does not teach the following claimed limitations taught by Paterek.



Paterek teaches at least one terminal pin 26 comprising a terminal pin assembly threadingly engaging a threaded opening defined by said terminal block (clearly seen in figure 3).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the terminal pin assemblies taught by Bergman to have included a pin assembly threadably engaged with the terminal block as taught by Paterek as a means of providing for quick installation and removal of the terminal pins in the compressor housing (Paterek, col. 2 lines 3-19). The method of assembly claims are rejected because the apparatus claim limitations, being rejected by the applied prior art, so do obviously the method of assembling steps, because the method of assembly simply provides the apparatus cited above.

### ***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Bertheaud whose telephone number is (571) 272-3476. The examiner can normally be reached on M-F 9am - 5pm.

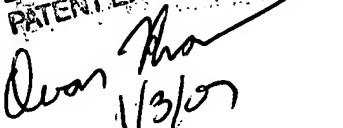
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon Kramer can be reached on (571) 272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
PJB

DEVON C. MURPHY  
PATENT EXAMINER  
  
1/3/07